HON'BLE SRI JUSTICE S.ANANDA REDDY

WRIT PETITION No.21539 of 2005

06-12-2005

Between:

Syed Manzoor Ahmed and others.

…Petitioner.

And

The Deputy Commissioner of Police,

South Zone, Hyderabad and another.

…Respondents.

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ORDER :

This writ petition is filed by the petitioners seeking Writ of Mandamus declaring the action of the respondents in trying to put the second respondent in possession of the subject matter of E.P.No.170 of 2003 on the file of the V Senior Civil Judge, City Civil Court, Hyderabad, as illegal, arbitrary and consequently direct the respondent No.1 not to interfere with the possession of the petitioners over the house bearing No.20-4-214/B/1, Khilwat Mubarak, Hyderabad.

According to the petitioner there is a civil dispute between the second respondent and the petitioners, and the second respondent filed suit O.S.No.1298 of 1997 for specific performance of the contract dated 21-1-1997 against the father of the petitioners and obtained an *exparte* decree. Pursuant to that proceedings were initiated to get registration and delivery of possession of the property in E.P.No.170 of 2003. It is stated that the petitioners filed E.A.No.158 of 2005 in E.P.No.170 of 2003 seeking stay and other reliefs. But however, according to the petitioners, the first respondent is assisting the second respondent for effecting delivery of possession of the property. Therefore, the petitioners have come up with the present writ petition.

A counter is filed on behalf of the first respondent disputing
and denying the allegations made and also denying the involvement of the first respondent with reference to the alleged dispossession
or delivery of the property, which is in the petitioner's alleged possession, to the second respondent. It is stated that a complaint was lodged
by one Mohd. Fariduddin, son of Mohd. Yousufuddin, resident
of H.No.20-3-1099, Shahgunj, Hyderabad, on 5-10-2005 before the Station House Officer, Hussaini Alam Police Station, against the petitioners and their father alleging that the petitioners and their father attacked the complainant and his brother by pouring mixed mirchi powder water on their faces and with swords, draggers and in that process they received injuries and as a result of the said complaint, Crime No.174 of 2005 under Sections 147, 148, 307 read with
149 IPC and Section 25(1) of the Indian Arms Act was registered by the Station

House Officer and investigation was taken up. It was denied that the first respondent has got any involvement either in the civil or criminal disputes except within his official duties. Therefore, sought for dismissal of the writ petition.

Learned Government Pleader for Home contended that the first respondent is no way connected with the civil disputes between the petitioners and the second respondent.

Heard both sides and considered the material on record.

In view of the pleadings and the counter pleadings, there is no merit warranting interference or for giving any direction by this Court. In any case, as it is a civil dispute with reference to the possession of the property, which the petitioners are alleging, which is to be adjudicated upon between the petitioners and the second respondent before the Civil Court, the petitioners are not entitled to any relief. However, it is made clear that the Police Department has no concern with the civil disputes and they shall not assist or support any of the persons with reference to the civil disputes.

The writ petition is accordingly disposed of. No costs.

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(S.ANANDA REDDY, J)

06-12-2005.

Msr.

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(Msr)